

REMARKS

Applicants have thoroughly considered the June 2, 2008 Office action. This Amendment F amends 1 and 10. Applicants thus respectfully submit that claims 1-8 and 10-17 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Specification

The Office objected to the specification for minor informalities. However, Applicants respectfully submit that the same informalities have been corrected in Amendment B filed on September 14, 2006. Therefore, Applicants respectfully submit that the Specification should be accepted as previously amended.

Rejection under 35 U.S.C. §103

Claims 1-4, 10-13, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No. 20020138471 to Dutta et al. in view of US Patent Publication No. 20030036948 to Woodward et al and US Pat. Pub. No. 2006/0090030 to Ijdens et al. Applicants respectfully submit that the combined references of Dutta and Woodward fail to disclose each and every element of the independent claims 1 and 10.

Amended claim 1 recites, in part:

prioritizing the plurality of media file sources for retrieving the property of the media file based on business rules according to Digital Rights Management (DRM) of the media file, said business rules indicating a predefined priority based on at least compatibility and importance of the media file sources, wherein the plurality of media file sources includes at least one of the following: an advanced stream redirector (ASX) source, a server-side playlist source, a media library source, a file header source, a digital rights management (DRM) source, and a basic metadata source;

identifying a predefined order of the retrieved media file based on the predefined priority, said identified order indicating a predefined sequence as to which source has priority over another source and to avoid more time consuming media file sources;

Applicants respectfully submit that the combined references of Dutta, Woodward and Ijdens fail to disclose or suggest each and every element of the recited independent claims. In particular, Applicants respectfully submit again that Dutta fails to disclose or suggest the feature of "identifying a predefined order of the retrieved media file based on the predefined priority, said identified order indicating a predefined sequence as to which source has priority over another source and to avoid more time consuming media file sources." See also paragraph [0031] for

support of the amendments. The Office cites paragraphs [0057] and [0061] of Dutta that appears to indicate there are factors influencing source ratings and paragraph [0052] for the notion that "prior to initiating a new search at a node, the node consults one or more rating databases." (See also pages 9-10 of the Office action). However, Applicants respectfully disagree and offer the following arguments. While the Office cites the portions of Dutta that discloses Dutta's method of determine ratings for search results, Dutta also discloses how its methods are achieved. For example, paragraph [0060] of Dutta specifically describes that "As the user of the peer node retrieves and uses those files, search result post-processor 322 **monitors** the usage of the search result files and rates each file based on the usage of those files." Paragraph [0060] of Dutta. In other words, there is an on-going nature of this rating formulation and methodology. Applicants' reading of Dutta's invention is further affirmed and clarified by Dutta in paragraph [0062]: "**It should be noted that the ranking process is an active, ongoing, process.** If a retrieved file is used repeatedly by the user, then the ranking of the file for its one or more associated keywords is increased." Paragraph [0062].

Therefore, Dutta's own disclosure specifically teaches away having a pre-defined ordering; it specifically advocates a dynamic approach to generating the ratings. This is against the teaching of Applicants' approach to a "prefined order..., **said identified order indicating a predefined sequence as to which source has priority over another source and to avoid more time consuming media file sources,**" as recited in claim 1.

Hence, Applicants respectfully request the Office to reconsider the full weight of claim 1 in light of the amendments. As such, Applicants respectfully submit that the combined references of Dutta, Woodward, and Ijdens fail to establish the prima facie elements of an obviousness rejection. Hence, claim 1 and its dependent claims are patentable over the cited references for at least the reasons above. Therefore, the rejection of claims 1-4 under 35 U.S.C. §103(a) should be withdrawn.

Amended claim 10 recites, in part: "identifying instructions for identifying a predefined order of the retrieved media file based on the predefined priority, said identified order indicating a predefined sequence as to which source has priority over another source and to avoid more time consuming media file sources; querying instructions for querying each of the prioritized plurality of media file sources according to the identified order to identify a source of the media file...." For at least the reasons above, Applicants respectfully submit that the amended claim 10 and its dependent

claims are patentable over the cited reference. Hence, the rejection of claims 10-13 and 16 under 35 U.S.C. §103(a) should be withdrawn.

Claims 5-7 and 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Woodward in view of Ijdens, further in view of US Patent No. 6,493,436 to Fowler et al. Applicants respectfully disagree and argue that because Dutta teaches away from "predetermined importance" and specifically advocates an "active, ongoing process" for determining the ratings among the search results, the combined references of Dutta, Woodward, Ijdens and Fowler could not disclose or suggest each and every element of the rejected claims. Hence, the rejection of dependent claims 5-7 and 14-15 under 35 U.S.C. §103(a) should be withdrawn.

Claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Woodward in view of Ijdens, further in view of US Pat. Pub. No. 20030120928 to Cato et al. For at least the reasons above, Applicants respectfully submit that the combined references of Dutta, Woodward, Ijdens and Cato fail to disclose or suggest each and every element of the rejected claims. Hence, the rejection of claims 8 and 17 under 35 U.S.C. §103(a) should be withdrawn.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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